IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 828 of 1997

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KJ HIRPARA

Versus

GOVT. OF GUJARAT

Appearance:

1. Special Civil Application No. 828 of 1997

MR JD AJMERA for Petitioner No. 1

Mr.L.B. Dabhi, AGP for Respondent No. 1

MR PM RAVAL for Respondent No. 2

CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 03/03/2005

ORAL JUDGEMENT

1. By way of the present writ petition under Article

226 of the Constitution of India, the petitioner, who is serving as trained masseur, has prayed for a direction to be issued to the respondent-Authority to grant pay-scale in the grade of Rs.1350-2200 on par with similarly situated persons working on the posts of compounder and vehicle examiner. According to the petitioner, even, he had earlier made his grievance before the concerned Authority, but, no reply was given or no decision is yet taken on his representation dated 8th March 1995, copy of which is produced at Annexure "D" to the petition.

2. In the representation, the petitioner has stated that, initially, the pay-scale of trained masseur and trained compounder was Rs.350-560 and Rs.330-560 respectively, meaning thereby, even initially the pay-scale of trained masseur was higher than the vehicle examiner and trained compounder. Thereafter, when the new pay-scale was effected from 22nd July 1985, the pay-scale of trained masseur was revised from Rs.350-560 to Rs.1200-2040 and the pay-scale of trained compounder was also revised from Rs.330-560 to Rs.1200-2040. Thereafter, in the year 1991, the revised pay-scale of the trained compounder was revised from Rs.1200-2040 to Rs.1350-2200 and even the pay-scale of vehicle examiner was also revised on par with trained compounder. However, no such revision took place in the case of trained masseur.

3. Therefore, according to the petitioner, he was required to be treated on par with trained compounder as well as vehicle examiner and his pay-scale should have been revised accordingly. The said grievance of the petitioner made in the representation dated 8th March 1995 remains undecided and no decision is yet taken by the Authority.

4. In the facts and circumstances of the case, in my view, the ends of justice would be met if the representation dated 8th March 1995 submitted by the petitioner to the competent Authority is decided in accordance with law, and the decision taken thereon may be communicated to the petitioner within three months from the date of receipt of writ of this order of this Court.

5. With the above directions, Rule is discharged with no order as to costs.

(Anant S. Dave, J.)
(swamy)